

CONSTRUCTION LAW CHANGES IN ONTARIO

As of April 28, 2022

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Provincial Government Bills

1st Session, 42nd Parliament - Most Recent Legislature Sitting was **April 28, 2022** and the next sitting is expected on **Monday May 2, 2022**.

Bill 84, Fewer Fees, Better Services Act, 2022

(Associated Minister of Small Business and Red Tape Reduction)

This Bill creates a new statute, the At Your Service Act, 2022 which prescribes that Ministries and certain other entities must meet specific performance standards or risk paying a refund or other compensation to affected persons. The Bill would also amend or replace 10 other statutes including the Highway 407 East Act, 2012, the Licence Appeal Tribunal Act, 1999, the Mining Act and the Ministry of Infrastructure Act, 2011.

- Royal Assent Received March 3, 2022.

Bill 88, Working for Workers Act, 2022

(Minister of Labour, Training and Skills Development)

This Bill creates a new statute, the Digital Platform Workers' Rights Act, 2022 to provide specific compensation and working conditions rights for ride share, courier and other prescribed services. It would also amend the Employment Standards Act, 2000 regarding electronic monitoring of employees and would amend the Fair Access to Regulated Professions and Compulsory Trades Act, 2006 re timelines for applications for registration and the Occupational Health and Safety Act re risk of workers who may have an opioid overdose.

- First Reading carried February 28, 2022
- Consideration by the Standing Committee on Social Policy, March 9, 2022
- Reported to the Legislature as amended March 10, 2022
- Second Reading debated March 21 and 22, 2022
- Second Reading carried on division March 23, 2022 and ordered referred to the Standing Committee on Social Policy
- Consideration by the Standing Committee March 28, 29 and 31, 2022
- Reported to the legislature as amended April 4, 2022
- Third reading debated April 5 and 6, 2022
- Third reading carried on division April 7, 2022
- **Royal Assent received April 11, 2022.**

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Bill 93, Getting Ontario Connected Act, 2022

(Minister of Infrastructure)

This Bill amends the Building Broadband Faster Act, 2021 providing additional powers for the Minister and new obligations for municipalities to respond to right of way access. The Bill would also amend the Ontario Underground Infrastructure Notification System Act, 2012 to extend the duration of locate tickets from 30 to 60 days, conditions under which an emergency locate request can be made, use of dedicated locators, permitting multiple parties to share a locate response and a mechanism for excavators to claim damages for delayed or misleading locate responses.

- First Reading carried March 7, 2022
- Second Reading debated March 10 and 23, 2022
- Second Reading carried and referred to Standing Committee on General Government March 23, 2022
- Consideration by the Standing Committee March 30 and April 6, 2022
- Reported to the Legislature as amended April 6, 2022
- ***Third Reading carried April 11, 2022***
- ***Royal Assent received April 14, 2022***

Bill 109, More Homes for Everyone Act, 2022

(Minister of Municipal Affairs and Housing)

This Bill would amend the Development Charges Act, 1997, the New Home Construction Licensing Act, 2017, the Ontario New Home Warranties Plan Act and the Planning Act to streamline regulations and the approval processes for new housing in the Province with the goal of significantly reducing the average timelines of 10 to 11 years to complete low rise or high-rise housing projects.

- First Reading carried March 30, 2022
- Second Reading debated March 31, 2022
- Second Reading carried on division and referred to Standing Committee on Legislative Assembly April 4, 2022
- ***Consideration by the Standing Committee April 11 and 13, 2022 and reported back to the Legislature without amendment***
- ***Third reading carried on division April 14, 2022***
- ***Royal Assent received April 14, 2022***

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Private Members' Bills 2nd Session, 42nd Parliament

Bill 54, Protecting Vulnerable Road Users Act, 2021

(Bhutila Karpoche, NDP - Parkdale—High Park

Doly Begum, NDP, Scarborough Southwest

Jessica Bell, NDP, University -- Rosedale)

This is very similar to Bill 62 from the previous sittings which was tabled for first reading on November 21, 2018 by Jessica Bell. Bill 54 would, if passed, would amend the *Highway Traffic Act* to impose more serious legal consequences of a collision that seriously injures or kills a pedestrian, a cyclist, a mobility device user, a roadway worker, an emergency responder outside their motor vehicle or another individual listed in the Bill.

- First Reading carried November 18, 2021
- Second Reading debated and carried November 24, 2021 and ordered referred to the Standing Committee on Justice Policy

Bill 57, Paris Galt Moraine Conservation Act, 2021

(Mike Schreiner, Green Party - Guelph)

This Bill is very similar to Bill 71 from the previous sittings which was tabled for first reading on February 20, 2019 by Mike Schreiner. Bill 57, if passed, would establish additional protection against any land development that might cause an adverse environmental impact within a defined region known as the Paris Galt Moraine. The legislation would also require official plan amendments for certain municipalities and municipal planning authorities.

- First Reading carried November 24, 2021.

Bill 68, Speaking Out About Workplace Violence and Workplace Harassment Act, 2021

(France Gelinas, NDP - Nickel Belt)

This Bill, if passed, would amend the Occupational Health and Safety Act to protect work against reprisals who speak out about workplace violence or workplace harassment.

- First Reading carried December 6, 2021.

Bill 83, An Act to amend the Highway 407 East Act, 2012 with respect to toll highways

(French Jennifer K, NDP - Oshawa)

This Bill, if passed, would amend the Highway 407 East Act, 2012 to revoke the status of Highways 412 and 418 as toll highways.

- First Reading carried February 22, 2022.

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Bill 98, Fairness for Ontario's Internationally Trained Workers Act, 2022

(Doly Begum, NDP - Scarborough Southwest

Joel Harnden, NDP, Ottawa Centre

Terrance Kernaghan, NDP, London North Centre

Tom Rakocevic, NDP, Humber River - Black Creek)

This Bill, if passed, would establish a framework to reduce administrative and regulatory burdens and more easily facilitate recognition in Ontario of foreign credentials for skilled workers in regulated healthcare and in other non-regulated professions.

- First Reading carried March 9, 2022
- Second Reading carried March 24, 2022 and referred to the Standing Committee on the Legislative Committee.

Pending Proclamations of Bills

Not-for-Profit Corporations Act, 2010

This Act's in-force date was October 19, 2021 (the "Proclamation Date"). The **Ontario Not-for-Profit Corporations Act, 2010** applies to all Ontario non-profit corporations. Current Ontario non-share capital corporations, such as the OGCA, have until October 2024 to review and amend their documents to conform with the **new statute**.

Moving Ontarians More Safely Act, 2021

Most of this Act has not, **as of April 28, 2022**, been proclaimed in force.

Regulations

(reflects contents of the Ontario Gazette through to **April 23, 2022**)

Ontario Regulation 777/21

ELECTRICITY ACT, 1998

This regulation, which was published in the December 3, 2021 issue of the Ontario Gazette, revokes O.Reg 164/99 and adopts the ESA's 'Ontario's Amendments to the Canadian Electrical Code Part 1, C22.1, as amended on Sep 9 2021 as the new Electricity Safety Code. The new code and Regulation come into effect on May 5, 2022.

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Ontario Regulation 837/21

PROFESSIONAL ENGINEERS ACT

This regulation, which was published in the December 25, 2021 issue of the Ontario Gazette, amends O. Reg 941 (General Regulation) by setting out requirements for affixing an electronic seal and signature to certain engineering documents. The Regulation will come into force on July 31, 2022.

Ontario Regulation 173/22

HIGHWAY TRAFFIC ACT

This regulation, which was published in the March 25, 2022 issue of the Ontario Gazette, revokes Ontario Regulation 601, the Motor Vehicle Inspection Stations Regulation, effective as of the date when a new Regulation, O.Reg 174/22 the Classes of Vehicles Requiring Annual and Semi-Annual Inspections comes into force.

Ontario Regulation 174/22

HIGHWAY TRAFFIC ACT

This regulation, which was published in the March 25, 2022 issue of the Ontario Gazette, provides a new regulation, the Classes of Vehicles Requiring Annual and Semi-Annual Inspections Regulation. Under the new regulation, most commercial pick-up trucks would require annual inspections. This Regulation comes into effect on January 1, 2024.

Ontario Regulation 183/22

ENVIRONMENTAL PROTECTION ACT

This regulation, which was published in the March 25, 2022 issue of the Ontario Gazette, amends O.Reg 457/19 to modify emission standards for certain heavy diesel vehicles. Most of the regulation comes into force on April 1, 2022 and O.Reg 457/19 will be revoked as of July 1, 2022.

Ontario Regulation 185/22

HIGHWAY TRAFFIC ACT

This regulation, which was published in the March 25, 2022 issue of the Ontario Gazette, establishes a new regulation for Portable Traffic Control Systems, which deal with traffic lane closures and automated flagger assistances devices. The Regulation will also revoke Ontario Regulation 606. This Regulation comes into effect on the day when Schedule 1 of the Moving Ontarians More Safely Act, 2021 comes into force.

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Ontario Regulation 217/22

BUILDING CODE ACT, 1992

This regulation, which was published in the April 1, 2022 issue of the Ontario Gazette, amends O. Reg 332/12 (Building Code) about information disclosure requirements among the chief building official, the clerk of the municipality and the fire chief of each municipality. The Regulation will come into force on July 1, 2022.

Ontario Regulation 261/22

FAIR ACCESS TO REGULATED PROFESSIONS AND COMPULSORY TRADES ACT, 2006

This regulation, which was published in the April 23, 2022 issue of the Ontario Gazette, outlines procedures for applying for an exemption for Canadian experience requirements and sets out testing requirements for English language proficiency. Most of the Regulation will come into force on July 1, 2022, whereas sections 5 and 6 dealing with decisions by professional regulators, will come into force on July 1, 2023.

Current Proposals Posted on Ontario's Regulatory Registry

(A listing of regulatory proposals, *as of April 28, 2022*, that may affect OGCA member businesses, which are open for public comment)

22-MGCS-010

This proposal from the Ministry of Government and Consumer Services for proposed changes to the New Home Construction Licensing Act, 2017, as part of the Bill 109 provisions to streamline approvals for new housing projects. This proposal is open for public comments from March 30, 2022 to April 29, 2022.

See

<https://www.ontariocanada.com/registry/view.do?postingId=41507&language=en>

22-MGCS-011

This proposal from the Ministry of Government and Consumer Services for proposed changes to the Ontario New Home Construction Warranties Plan Act, as part of the Bill 109 provisions to streamline approvals for new housing projects. This proposal is open for public comments from March 30, 2022 to April 29, 2022. See

<https://www.ontariocanada.com/registry/view.do?postingId=41508&language=en>

End of Report